REMARKS

Applicants have not amended any claims, and thus, eighteen claims remain pending, claims 1-18. Applicants respectfully request reconsideration of claims 1-18 in view of the remarks below.

By way of this response, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

References Cited by Applicants and Not Considered by Examiner

1. Applicants thank the Examiner for considering the references submitted on September 3, 2004, October 27, 2004, January 28, 2005, August 31, 2005, and September 2, 2005.

Applicants respectfully request the Examiner consider the ten (10) U.S. patent applications cited on Sheet 1 of 6 in the Information Disclosure Statement filed March 15, 2006. Applicants thank the Examiner for considering the foreign and non-patent literature documents listed on said Sheet 1 of 6. However, the ten (10) U.S. patent applications cited thereon were crossed-off and not initialed. Therefore, consideration of the ten (10) identified U.S. Patent Applications cited in the March 15, 2004 IDS is respectfully requested. A copy of the IDS filed March 15, 2004 is attached herewith for your convenience.

Claim Rejections - 35 U.S.C. § 103

2. Claims 1-18 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,161,132 (Roberts et al.). Applicants respectfully traverse

these rejections, because the Roberts patent fails to teach or suggest at least each element of at least independent claims 1, 7 and 13.

More specifically, claim 1 for example recites at least in part:

> receiving requests prior to a start time from each of the client apparatuses to simultaneously playback the event ... determining whether each request is received during a predefined threshold period prior to the simultaneous playback of the event; and sending the command to the corresponding client apparatus for beginning the playback of the event simultaneously with the playback of the event on each of the remaining client apparatuses for those requests received during the predefined threshold period, and sending the command to the corresponding client apparatus for beginning the playback of the event simultaneously at a predetermined point during the playback for those requests **not** received during the threshold period.

The Roberts patent does not teach or suggest at least **determining** whether each request is received during a predefined threshold period. The Roberts patent does describe receiving inquires, but Roberts fails to teach or suggest **determining** whether requests are received relative to a threshold period. Instead, the Roberts patent only describes receiving inquiries and routing the inquiries to appropriate chat rooms, and there is no determination of whether the request is received during a threshold period.

Further, the Roberts patent does not teach or suggest, and instead specifically teaches away from "receiving [multiple] requests prior to a start time from **each** of the client apparatuses to simultaneously playback the event..." (claim 1, emphasis added). The Roberts patent instead specifically describes starting a chat room upon a first receipt of a CD identification, and any subsequent inquiries from other users with the same CD identification are directed to the already existing chat room. Therefore, only a single inquiry is received before a start time, and thus, the Roberts patent teaches away from "receiving requests prior to a start time from **each** of the client apparatuses..." as recited in claim 1 (emphasis added).

Additionally, the office action attempts to equate a response time between an "initial communication of a CDs identifier, to the ultimate starting point of a chat room" to the claimed "predefined threshold period" (office action, page 7, paragraph 6, see also pages 3 and

4). However, this communication response time cannot be defined as a predefined threshold period because it is simply a response time. Further, this response time is not a "predefined" period, but instead varies with every user depending on the connection of the users computer, internet traffic, website traffic, chat room traffic and other effects, and thus, is not a "predefined" period but completely varying based on response times and network traffic.

Moreover, each user of Roberts will have a unique period of time between "initial communication... to ultimate start point". Therefore, Roberts specifically teaches away from multiple requests being received during a single "predefined threshold period" as claimed. Claim 1 specifically recites "determining whether each request is received during a predetermined threshold period prior to the simultaneous playback" such that multiple requests are received during a single threshold time period (emphasis added). Thus, the time between the "initial communication ... to ultimate start point" of a single user connecting to an already active chat room cannot be equated to the "receiving requests prior to a start time from each of the client apparatuses to simultaneously playback the event [and] determining whether each request is received during a predefined threshold period prior to the simultaneous playback of the event" as claimed (Claim 1, emphasis added). Therefore, the Roberts patent fails to teach or suggest each limitation as recited at least in claim 1, and thus, claim 1 is not obvious in view of the Roberts patent.

Additionally, if one defines arguendo that the predefined threshold period can be equated to the time between the "initial communication ... to ultimate start point", then the Roberts patent cannot teach or suggest "sending the command to the corresponding client apparatus for beginning the playback of the event simultaneously at a predetermined point during the playback for those requests not received during the threshold period" as recited in claim 1, because each inquiry from a user to join the chat room of Roberts has to include the time between an "initial communication ... to ultimate start point" for that user, and thus, there would be no requests that were not received during a threshold period. Therefore, the Roberts patent

does not teach each limitation of at least claim 1, and instead teaches away from the method of claim 1.

Furthermore, the office action in paragraph 6, on page 7, in response to Applicants prior arguments suggests "it is well within reason that Roberts can ultimately begin a chat room with a plurality of devices queued up and waiting." However, Roberts specifically teaches away from queuing up a plurality of users. Specifically, Roberts activates a chat room upon receipt of a first inquiry associated with a specific CD, and all subsequent inquires associated with that CD are directed to the active chat room (see at least Roberts, col. 7, lines 11-30). Thus, the Roberts patent specifically teaches away from queuing up users in that the first inquiry associated with a CD activates a chat room, and no queuing would be performed because any additional inquires would be directed to the active chat room. Therefore, the Roberts patent fails to teach or suggest each limitation as recited at least in claim 1 and instead teaches away from the method of claim 1. Thus, claim 1 is not obvious in view of the Roberts patent.

Independent claims 7 and 13 include language that is similar to claim 1. As such, the arguments presented above with respect to claim 1 can similarly be applied to claims 7 and 13. Therefore, claims 7 and 13 are also not obvious in view of the Roberts patent.

Further, claims 2-6, 8-12 and 14-18 depend from independent claims 1, 7 and 13 respectively. Therefore, claims 2-6, 8-12 and 14-18 are also not obvious for at least their dependency on claims 1, 7 and 13.

CONCLUSION

Applicants submit that the above remarks demonstrate that the pending claims are in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Dated: 12-19-05

Respectfully submitted,

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Attachment: Copy of the PTO/SB/08A IDS form filed March 15, 2004

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 6

Complete if Known	
Application Number	09/489,597
Filing Date	1/20/2000
First Named Inventor	Getsin et al.
Art Unit	2176
Examiner Name	Bashore, William L.
Attorney Docket Number	68625/7236

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number: Number - Kind Code[2] (if known)	Application Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		U.S. App. No. 09/649,215	8/28/2000	Allan Lamkin	
		U.S. App. No 09/476,190	1/3/2000	Todd R. Collart	
		U.S. App. No. 09/488,345	1/20/2000	Todd R. Collart	
		U.S. App. No. 09/488,337	1/20/2000	Evgeniy Getsin	
		U.S. App. No. 09/488,613	1/20/2000	Evgeniy Getsin	
		U.S. App. No. 09/488,155	1/20/2000	Evgeniy Getsin	
		U.S. App. No. 09/489,600	1/20/2000	Evgeniy Getsin	
		U.S. App. No. 09/488,614	1/20/2000	Evgeniy Getsin	
		U.S. App. No 09/489,601	1/20/2000	Evgeniy Getsin	
		U.S. App. No. 09/489,596	1/20/2000	Todd R. Collart	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document: Country Code[3] - Number[4] - Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
		EP 0 809 244 A2	11/1997	Fujitsu Ltd.		
		EP 0 809 244 A3	12/1998	Fujitsu Ltd.		
		EP 0 849 734 A3	03/1999	Texas Instruments		
		EP 0 853 315 A3	12/1999	Victor Company		
		WO 99/51031	10/1999	Intel Corporation		
		WO 99/14676	03/1999	WebTV Networks Inc.		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
		E Media Professional Reviews, NSM Galaxy Jukebox, by David Doering, Emedia Professional, April 1999, (p. 78 -80), http://www.emediapro.com/EM1999/doering4.html	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1]Applicant's unique citation designation number (optional). [2]See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3]Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4]For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

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